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Attorneys for Plaintiff  
TAMARAH R. SEIELSTAD

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TAMARAH R. SEIELSTAD, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

AEGIS SENIOR COMMUNITIES, LLC, a  
Washington Limited Liability Company,  
and DWAYNE CLARK, an individual,

Defendant.

Case No. 09-01797 MMC

**JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER FOR LEAVE TO FILE A FIRST  
AMENDED COMPLAINT ; DEEMING  
MOTION TO DISMISS WITHDRAWN**  
Honorable Maxine M. Chesney

The parties hereby jointly stipulate as follows:

WHEREAS, Plaintiff Tamarah R. Seielstad (hereinafter, "Seielstad") filed a Complaint in  
this action on April 24, 2009;

WHEREAS, Plaintiff Seielstad represents that she sent a letter by certified mail to the  
California Labor Workforce Development Agency and Aegis Senior Communities, LLC  
(hereinafter, "AEGIS") care of their agent for service process, CSC Lawyers Incorporating

1 Service, on April 28, 2009, notifying them of the various California Labor Code violations  
2 Seielstad had asserted against AEGIS and requesting permission to pursue civil penalties against  
3 AEGIS under the Labor Code Private Attorneys General Act;

4 WHEREAS, Defendant Dwayne Clark filed a Motion to Dismiss pursuant to Federal  
5 Rules of Civil Procedure 12(b)(2) and (6) on June 12, 2009, currently set for hearing on August 7,  
6 2009;

7 WHEREAS, Plaintiff received a letter from the California Labor Workforce Development  
8 Agency on June 22, 2009, that it did not intend to investigate Plaintiffs allegations against AEGIS  
9 and that Plaintiff may pursue civil penalties against AEGIS under the Labor Code Private  
10 Attorneys General Act;

11 WHEREAS, Defendant AEGIS filed its Answer on June 30, 2009;

12 WHEREAS, pursuant to section 2699.3(a)(2)(C) of the California Labor Code, Plaintiff  
13 may as a matter of right amend her Complaint to add a cause of action under the Labor Code  
14 Private Attorneys General Act;

15 NOW, THEREFORE, it is stipulated that:

16 1. The First Amended Complaint attached hereto as Exhibit 1 shall be deemed filed  
17 on the date the Court executes the attached Proposed Order.

18 2. Defendants shall file an answer or otherwise respond to the First Amended  
19 Complaint within thirty (30) days of the date the Court files an Order permitting the filing of the  
20 First Amended Complaint.

21 3. Defendant Clark shall file a Withdrawal of Motion requesting that Defendant  
22 Clark's Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2) and (6) set for  
23 August 7, 2009, be taken off calendar. Plaintiff understands and agrees that Defendant Clark will  
24 refile the motion. Plaintiff also understands and agrees that Defendants Aegis and Clark may file  
25 any other responsive pleadings after the First Amended Complaint is filed.

1 **IT IS SO STIPULATED.**

2  
3 DATED: July 29, 2009

HARRIS & RUBLE

4 \_\_\_\_\_ /s/  
5 Alan Harris  
6 Attorney For Plaintiff Tamarah Seielstad

7 DATED: July 29, 2009

HANSON BRIDGETT LLP

8 \_\_\_\_\_ /s/  
9 Diane Marie O'Malley  
10 Attorneys for Defendants Aegis Senior  
11 Communities, LLC and Dwayne Clark.

12 **IT IS SO ORDERED.**, and defendant Dwayne Clark's motion to dismiss is hereby deemed  
13 withdrawn without prejudice.

14 DATED: July 31, 2009

15 \_\_\_\_\_  
16 *Maxine M. Chesney*  
17 Honorable Maxine M. Chesney  
18 United States District Judge  
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